

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

UNITED STATES OF AMERICA,)	
)	2:01-cr-00335
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
)	
BRUCE EDWARD JIMERSON,)	
)	
Defendant.)	
_____)	

Before the court is defendant Bruce Edward Jimerson's ("Jimerson") Motion to Reduce the Term of Imprisonment (#56¹) pursuant to 18 U.S.C. § 3582. The Federal Public Defender's Office has been appointed to represent Jimerson on his motion and has refiled the motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) (#59). The Government has filed its opposition (#61) and the Probation Department has provided its Supplemental Sentence Report pursuant to the court's referral. The court is thoroughly familiar with each document.

On August 14, 2009, the court sentenced Jimerson to a term of 229 months imprisonment for the offense of distribution of a controlled substance (viz, cocaine base, or crack), a violation of 21 U.S.C. § 841(a). At sentencing the court found that the defendant's total offense level was 33, his criminal history category was IV, and at the then-applicable guideline range, the sentencing range was 188 to 235 months.

On March 3, 2008, Jimerson applied for a discretionary sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendment 706, which was granted by the court and resulted in a 48

¹Refers to the court's docketing number.

1 month reduction in Jimerson's original prison sentence of 229 months to 181 months.

2 Since granting Jimerson's discretionary reduction in February 2009, he has been cited for
3 numerous in-prison violations, including phone abuse and being absent from a work assignment.
4 Of greatest significance, is Jimerson's attempt to smuggle drugs into the prison on April 11,
5 2009, less than two months following the 48-month reduction of his prison sentence. Such
6 conduct flaunts the favorable treatment granted to Jimerson by the court, reflects extremely
7 adversely upon the character of this defendant, and raises great public safety concerns to the
8 community which would be posed by a further reduction to the defendant's term of
9 imprisonment. U.S.S.G. § 1B1.10, application note 1(B)(ii).

10 GOOD CAUSE APPEARING, Jimerson's motion ##56/59 is DENIED.

11 DATED this 19th day of December, 2011.

12 

13
14
15 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28